

HOUSE BILL REPORT

HB 3016

As Reported by House Committee On: Local Government

Title: An act relating to requiring senate confirmation for members of the growth management hearings boards.

Brief Description: Requiring senate confirmation for members of the growth management hearings boards.

Sponsors: Representatives Simpson, Schindler, Takko, Ahern, Clibborn, Woods, B. Sullivan, Upthegrove, Chase, Kessler, Kilmer and Springer.

Brief History:

Committee Activity:

Local Government: 1/30/06, 2/2/06 [DP].

Brief Summary of Bill

- Requires appointments to Growth Management Hearings Boards to be made with the advice and consent of the Senate.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Simpson, Chair; Clibborn, Vice Chair; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan, Takko and Woods.

Staff: Ethan Moreno (786-7386).

Background:

In addition to instituting a comprehensive land use planning framework for counties and cities, the Growth Management Act (GMA) establishes three regional Growth Management Hearings Boards (Boards). Each Board consists of three members satisfying residency requirements and qualified by experience or training in matters pertaining to land use planning. At least one member of each Board must be admitted to practice law in Washington and at least one member must have been a city or county elected official. Board members are appointed by the Governor to six-year terms, and not more than two members at the time of appointment or during their term may be members of the same political party.

The Boards have limited jurisdiction and may only hear and determine petitions alleging:

- that a state agency or local government planning under the GMA is noncompliant with the Act, specific provisions of the Shoreline Management Act, or certain mandates of the State Environmental Policy Act relating to qualifying plans, regulations, or amendments; or
- that the 20-year planning populations adopted by the Office of Financial Management should be adjusted.

Final decisions of the Boards may be appealed to the superior court. Additionally, if all parties agree, the superior court may directly review a petition filed with a Board.

Summary of Bill:

Additional criteria for appointments to Growth Management Hearings Boards are specified. Board member appointments must be made with the advice and consent of the Senate.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Requiring legislative confirmation of Growth Management Hearings Boards members will add accountability to the appointment process. Previous proposals, ranging from requiring Senate confirmation, to calls for Board elimination, have suggested modifying Board member provisions. Boards make determinations regarding the GMA and the members should be made accountable for their actions; this bill will help. The Governor was initially interested in legislation requiring Senate confirmation of Board members, but the idea was not pursued by her office. By default, the Boards are making land use policies. This bill will provide additional oversight. The bill should be amended to require that confirmations be made by legislators residing within the jurisdiction of the applicable Board. The bill does not address the substantive processes of the Boards. The Committee should examine other bills that address these processes, as they have become too litigious.

Testimony Against: None.

Persons Testifying: Representative Simpson, prime sponsor; Clayton Hill, Building Industry Association of Washington; Stan Bowman, American Institute of Architects, Washington Council; and Eric Johnson, Washington Association of Counties.

Persons Signed In To Testify But Not Testifying: None.